

Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BEFIKADU MEBRATU ABATE, *et al.*,

Plaintiffs,

v.

MARCO RUBIO, *et al.*,¹

Defendants.

Case No. 2:25-cv-00073-BAT

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Noted for Consideration:
March 19, 2025

Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings until May 19, 2025. Plaintiffs bring this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel Defendants to readjudicate Plaintiff's visa application. Defendants' response to the Complaint is currently due on March 24, 2025. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until May 19, 2025.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Defendants substitute Secretary of State Marco Rubio for Antony Blinken.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
5 P. 1.

6 The parties are diligently working towards a resolution of this case without the need for
7 further litigation. A consular officer at the U.S. Embassy in Addis Ababa, Ethiopia, refused
8 Plaintiff’s immigrant visa application pursuant to 8 U.S.C. § 1201(g) on February 12, 2025.
9 Plaintiffs are in the process of obtaining a DNA test as recommended by the consular officer. Once
10 the Embassy receives the DNA test results, a consular official may reopen and readjudicate
11 Plaintiff’s visa application. Because further litigation may not be necessary after this processing
12 is completed, the parties agree that holding this case in abeyance through May 19, 2025, is
13 appropriate. Therefore, the parties believe good cause exists for a stay in these proceedings to
14 save the parties and this Court from spending unnecessary time and judicial resources on this
15 matter.

16 Accordingly, the parties request that the Court hold the case in abeyance until May 19, 2025. The
17 parties will submit a joint status report on or before May 19, 2025.

18
19 //

20
21 //

22
23 //

1 DATED this 20th day of March, 2025.

2 Respectfully submitted,

3 TEAL LUTHY MILLER
4 Acting United States Attorney

5 s/Michelle R. Lambert
6 MICHELLE R. LAMBERT, NYS #4666657
7 Assistant United States Attorney
8 1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: 206-428-3824
Email: michelle.lambert@usdoj.gov
Attorneys for Defendants

9 ***I certify that this memorandum contains 336***
10 ***words, in compliance with the Local Civil Rules.***

11 s/ Bart Klein
12 BART KLEIN WSBA# 10909
13 Law Offices of Bart Klein
14 605 First Avenue, #500
Seattle, Washington 98104
Phone: 206-755-5651
Email: bart.klein@bartklein.com
Attorney for Plaintiffs

ORDER

The case is held in abeyance until **May 19, 2025**. The parties shall submit a joint status report on or before **May 19, 2025**. It is so **ORDERED**.

DATED this 20th day of March, 2025.



BRIAN A. TSUCHIDA
United States Magistrate Judge